

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

OLUTOKUNBO EFUNNUGA,
Plaintiff,

v.

STEVEN FARLEY, et al.,
Defendants.

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Civ. No. 18-924

ORDER

AND NOW, this 5th day of April, 2018, upon consideration of Plaintiff Olutokunbo Efunnga's Application to Proceed *In Forma Pauperis* (Doc. Nos. 1, 3) and his *pro se* Complaint (Doc. No. 1-1), it is hereby **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915;
2. Plaintiff, Olutokunbo Efunnga, #61481-066, shall pay the full filing fee of \$350.00 in installments, pursuant to 28 U.S.C. § 1915(b). Based on the financial information provided by Plaintiff, an initial partial filing fee of \$34.00 is assessed. The Warden or other appropriate official at the Federal Detention Center or at any other prison at which Plaintiff may be incarcerated is directed to deduct \$34.00 from Plaintiff's inmate trust fund account, when such funds become available, and forward that amount to the Clerk of the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Room 2609, Philadelphia, PA 19106, to be credited to Civil Action No. 18-924. In each succeeding month when the amount in Plaintiff's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Plaintiff's inmate trust fund account until the fees are paid. Each payment shall reference the docket number for this case, Civil Action No. 18-924;

3. The Clerk of Court shall **FILE** the Complaint and **ISSUE** summonses. Service of the summonses and the Complaint is to be made upon Defendants by the U.S. Marshals Service. Plaintiff will be required to complete USM-285 forms so that the Marshals can serve Defendants. Failure to complete those forms may result in dismissal of this case for failure to prosecute;

4. All original pleadings and other papers submitted for consideration to the Court in this case are to be filed with the Clerk of Court. Copies of papers filed in this Court are to be served upon counsel for all other parties (or directly on any party acting *pro se*). Service may be made by mail. Proof that service has been made is provided by a certificate of service. The certificate of service should be filed in the case along with the original papers and should show the day and manner of service. An example of a certificate of service by mail follows:

“I, (name), do hereby certify that a true and correct copy of the foregoing (name of pleading or other paper) has been served upon (name(s) of person(s) served) by placing the same in the U.S. mail, properly addressed, this (day) of (month), (year).

(Signature)”

5. Any request for court action shall be set forth in a motion, properly filed and served. The parties shall file all motions, including proof of service upon opposing parties, with the Clerk of Court. The Federal Rules of Civil Procedure and local rules are to be followed. Plaintiff is specifically directed to comply with Local Civil Rule 7.1 and serve and file a proper response to all motions within fourteen (14) days. Failure to do so may result in dismissal of this action;

6. Plaintiff is specifically directed to comply with Local Rule 26.1(f) which provides that “[n]o motion or other application pursuant to the Federal Rules of Civil Procedure governing discovery or pursuant to this rule shall be made unless it contains a certification of counsel that

the parties, after reasonable effort, are unable to resolve the dispute.” Plaintiff shall attempt to resolve any discovery disputes by contacting defendant’s counsel directly by telephone or through correspondence;

7. No direct communication is to take place with the District Judge or United States Magistrate Judge with regard to this case. All relevant information and papers are to be directed to the Clerk;

8. In the event a summons is returned unexecuted, it is Plaintiff’s responsibility to ask the Clerk of Court to issue an alias summons and to provide the Clerk with the Defendant’s correct address, so service can be made;

9. The Parties should notify the Clerk’s Office when there is an address change. Failure to do so could result in court orders or other information not being timely delivered, which could affect the parties’ legal rights; and

10. The Clerk of Court shall **SEND** a copy of this Order to the Warden of the Federal Detention Center in Philadelphia.

AND IT IS SO ORDERED.

/s/ Paul S. Diamond

Paul S. Diamond, J.